

HOUSE BILL NO. 123

INTRODUCED BY M. LEE

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT A UTILITY COMPANY THAT IS USING THE PUBLIC RIGHT-OF-WAY SHALL MAKE ITS SERVICE AVAILABLE TO ALL LOCAL RESIDENTS; AMENDING SECTION 69-4-101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 69-4-101, MCA, is amended to read:

"69-4-101. Use of public right-of-way for utility lines and facilities. (1) A telegraph, telephone, ~~telecommunications, electric light, or electric power line energy corporation entity, cooperative association utility, or public body, or any other person owning or operating such a telegraph, telephone, telecommunications, or electric energy entity, or cooperative association utility~~ is hereby authorized to install its respective plants, ~~and appliances, and fixtures~~ necessary for service along and upon any of the public roads, streets, and highways in the state and to supply and distribute electricity for lighting, heating, power, and other purposes and to that end, to construct such telegraph, telephone, electric light, or electric power lines, from point to point, along and upon any of the public roads, streets, and highways in the state, by the erection of necessary fixtures, including posts, piers, and abutments necessary for the wires telegraph, telephone, telecommunications, or electric energy services.

(2) The ~~same shall~~ installations must be so constructed as in a manner that does not to ~~incommode inconvenience~~ or endanger the public in the use of ~~said~~ roads, streets, or highways, ~~and nothing herein shall~~

(3) This part may not be so construed as to restrict the powers of city or town councils.

(4) An entity listed in subsection (1) that is using a public right-of-way as provided in this part shall make the service that the entity provides available to all local residents."

NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

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